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REMARKS

Upon entry of this amendment, claims 1-10, 12-30 and 33-40 will be pending in this application, of which claim 30 is being amended and claim 31 is being cancelled.

Applicant thanks the Examiner for indicating allowance of claims 1-10, 12-29 and 40.

Claim 30 is being amended. The claim amendments are fully supported by the Specification and original claims and add no new matter. For example, the amendment is supported at least by the Specification at page 11, lines 11 to 13, which recites "[t]he surface **124** of the anodized aluminum oxide layer **120** generally has surface features **128** such as imperfections, cracks, fissures, pores, and other deviations from planarity." The amendments to claim 30 is also supported by claim 31 and the Specification at page 15, lines 30 to 35, which recites:

In one version, the ratio of the thickness of the first anodized aluminum oxide layer **120** to the thickness of the second aluminum oxide layer **140** is from about 5:1 to about 9:1. The second aluminum oxide layer **140** should be thick enough, however, to have resulted from an aluminum layer **132** that substantially completely fills all the surface features **128** of the anodized first aluminum oxide layer **120**."

It should also be noted that the clarification of the "penetrating surface features" only makes express, a recitation of a feature that was already inherent in the original claim, and thus, is not a narrowing of the scope of the properly construed claim. TurboCare v. General Electric Co., 264 F.3d 1111 (Fed. Cir. 2001); Bose Corp. v. JBL, Inc., 274 F.3d 1354 (Fed. Cir. 2001); and Interactive Pictures Corp. v. Infinite Pictures, Inc., 274 F.3d 1371 (Fed. Cir. 2001). Thus, the scope of the doctrine of equivalents applied to the claim should not be limited under the rules of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722, 2002 Lexis 3818 (May 28, 2002).

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Also, the claim amendments should be entered because they render the claims in better form for appeal by clarifying the "penetrating surface features" language in the claim, and also because the claim amendments simplify the issues on appeal by incorporating the language of claim 31 into claim 30.

Thus, entry of the claim amendments and reconsideration of the present case is respectfully requested.

Rejection Under 35 U.S.C. 102(b)

The Examiner rejected claims 30-39 under 35 U.S.C. 102(b) as anticipated by Dickey et al. (5,141,603).

Dickey et al. does not teach claim 30 which is to a coated aluminum component for a substrate processing chamber, comprising (i) an aluminum component (ii) an anodized aluminum oxide layer formed on the surface of the aluminum component, the anodized aluminum oxide layer having a surface comprising penetrating surface features comprising imperfections, cracks, fissures and pores; and (iii) an oxidized CVD aluminum oxide layer on the anodized aluminum oxide layer, the oxidized CVD aluminum oxide layer having a thickness that is sufficiently large to substantially completely fill the penetrating surface features of the anodized aluminum oxide layer, the ratio of the thickness of the anodized aluminum oxide layer to the thickness of the oxidized CVD aluminum oxide layer being from about 5:1 to about 9:1.

Dickey et al. does not anticipate claim 30 because Dickey et al. does not teach each and every element of the claim. First, Dickey et al. does not teach an aluminum component but instead teaches "a silicon wafer" which is coated. Thus Dickey et al. does not teach each and every element of claim 30.

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Dickey et al. also does not teach an oxidized CVD aluminum oxide layer on the anodized aluminum oxide layer, the oxidized CVD aluminum oxide layer having a thickness that is sufficiently large to substantially completely fill the penetrating surface features of the anodized aluminum oxide layer that comprise imperfections, cracks, fissures and pores. Instead, Dickey et al. teaches forming a layer of porous aluminum oxide and then densifying in this layer to form hard aluminum oxide..." (Col. 3, lines 17-31.) Dickey et al. further discloses a "...metallic aluminum film which may include a sputtered deposition of aluminum onto a smooth planar surface..." (Col. 4, lines 8-10.) Thus, Dickey et al. does not teach an oxidized CVD aluminum oxide layer having a thickness that is sufficiently large to substantially completely fill the penetrating surface features of an underlying anodized aluminum oxide layer as claimed in claim 30. This structural relationship of the two layers, namely that the oxidized overlying layer fills penetrating surface features of the underlying layer, or the type of surface features recited in the claim, is not taught by Dickey et al.

Dickey et al. also discloses that "[t]he formation of a hard aluminum oxide through the use of anodizing transformation between soft and hard oxides is also employed..." (Col. 3, lines 58-60.) The anodization processes are conducted with electrolysis. (Cols. 5 and 6.) Thus, Dickey et al. does not teach a component having an oxidized CVD layer. Instead, Dickey et al. teaches a component having oxidized electroplated layers.

Furthermore, Dickey et al. also does not teach two layers in which the ratio of the thickness of an underlying anodized aluminum oxide layer to the thickness of an overlying oxidized CVD aluminum oxide layer is from about 5:1 to about 9:1, as claimed. Two layers having the claimed thickness ratio is a structural feature recited in the claim that is not anticipated by Dickey et al.

For these reasons, Dickey et al. does not anticipate claim 30 or the claims dependent therefrom.

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CONCLUSION

The above-discussed amendments are believed to place the present application in condition for allowance. Should the Examiner have any questions regarding the above remarks, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,
JANAH & ASSOCIATES, P.C.

Date: July 5, 2006

By: _____


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